

**REMARKS**

Claims 1 and 3-9 are pending in this application. By this Amendment, claim 2 is cancelled without prejudice to or disclaimer of the subject matter contained therein, and the specification and claims 1, 3 and 9 are amended. Claims 1 and 9 are amended to incorporate features recited in claim 2 and are supported in the specification, for example at paragraphs [0018], [0025] and [0026] and Fig. 2. No new matter is added by any of these amendments.

Applicants appreciate the courtesies extended to Applicants' representative by Examiner Nguyen during the January 26, 2005 interview. In accordance with MPEP §713.04, the points discussed during the interview are incorporated in the remarks below and constitute Applicants' record of the interview.

Reconsideration based on the following remarks is respectfully requested.

**I. Request for Acknowledgement of Claim for Priority**

The Office Action Summary does not acknowledge receipt of the certified copy of the priority document JP 2002-380127 filed with the application on December 15, 2003. Copies of the USPTO-stamped receipt and the priority document front page are attached showing that the priority document was submitted. The U.S. Patent and Trademark Office is requested to acknowledge receipt of the certified copy of the priority document, and indicate that the requirements of 35 U.S.C. §119 have been satisfied.

**II. Claims 1 and 3-9 Define Patentable Subject Matter**

The Office Action rejects claims 1-9 under 35 U.S.C. §102(b) over U.S. Patent 5,878,365 to Onogi *et al.* (hereinafter "Onogi"). This rejection is rendered moot with respect to claim 2, and is respectfully traversed with respect to the remaining claims.

Onogi does not teach or suggest a vehicular antiskid control apparatus including a first controller configured to determine whether road surface friction coefficients corresponding to a right-side wheel and a left-side wheel of a vehicle are different from each other, and a second controller configured to reduce a fluctuation in a brake pressure of a

higher-friction coefficient road surface side wheel, of the right-side wheel and the left-side wheel, caused by execution of an antiskid control state on that wheel if it is determined by the first controller that the road surface friction coefficients corresponding to the right-side wheel and the left-side wheel are different from each other, wherein during execution of the antiskid control state on a lower-friction coefficient road surface side wheel of the right-side wheel and the left-side wheel, the second controller reduces a threshold reference value from a standard braking slip amount to a reduced braking slip amount for determining to start the antiskid control state on the higher-friction coefficient road surface side wheel, as recited in claim 1, and similarly recited for a vehicular antiskid control method in claim 9.

Instead, Onogi discloses a vibration detector for vehicle control. In particular, Onogi teaches different relationships between slippery low  $\mu$  roads and dry high  $\mu$  roads to relate brake force  $F$  as a function of friction  $\mu$  and wheel load  $N$  (col. 9, lines 33-50 and Figs. 6A-6C of Onogi). However, Onogi lacks the features recited in Applicants' claims. Moreover, the problem Onogi addresses relates to vibrational energy, teaching measurement of energy at step 130 based on frequency and calculation of the friction gradient at step 140 based on the vibration (col. 10, line 54 – col. 12, line 6 and Fig. 7 of Onogi).

A claim must be literally disclosed for a proper rejection under §102. This requirement is satisfied “only if each and every element as set forth in the claim is found, either expressly or inherently described, in a single prior art reference” (MPEP §2131). Applicants assert that the Office Action fails to satisfy this requirement with Onogi.

For at least these reasons, Applicants respectfully assert that the independent claims are now patentable over the applied reference. The dependent claims are likewise patentable over the applied reference for at least the reasons discussed, as well as for the additional features they recite. Consequently, all the claims are in condition for allowance. Thus, Applicants respectfully request that the rejection under 35 U.S.C. §102 be withdrawn.

### **III. The Claims Satisfy All Formal Requirements**

During the personal interview, Examiner Nguyen asserted that selected terms recited in the claims were objectionable. In particular, Examiner Nguyen objected to the term “antiskid control” in claims 1 and 9 as redundant (in view of the preamble) and unclear in context, that the term “reference value” in these claims was indefinite, and the term “yaw” in claim 6 as contrary to customary use for road-mobile vehicles.

Applicants’ representative explained that the antiskid control represented a condition or state under which the control apparatus would initiate antiskid controlling commands, and that the reference value was associated with a threshold associated with initiation of the antiskid control state, as supported in the specification, for example, at paragraph [0018]. Accordingly, claims 1 and 9 have been amended to replace “antiskid control” and “reference value” with the phrases --antiskid control state-- and --threshold reference value from a standard braking slip amount to a reduced braking slip amount--, respectively.

Applicants’ representative further explained that the term “yaw” is associated with side motion relative to the longitudinal axis, and although customarily associated with flight and marine mechanics, is not inappropriate to ground-based vehicles, as supported in the specification, for example, at paragraph [0038]. Although related words “turn” or “spin” have similar connotations, the former word expression additionally implies a deliberately executed side-ways motion, and the latter a loss of control that may be accompanied by a banking maneuver that results in an associated pitch or roll movement. Thus, to avoid consequent ambiguities, claim 6 remains unchanged.

### **IV. The Claims Satisfy Obviousness-Based Double Patenting Requirements**

During the personal interview, Examiner Nguyen asserted that a subsequent Office Action would probably reject at least some of the claims under the judicially created doctrine of obviousness-type double patenting as being unpatentable over unspecified claim of application 08/749,644 issued as U.S. Patent 5,918,953 to Nihei *et al.* (hereinafter “Nihei”

and corresponding to Docket JAO 39005); co-pending application 10/153,708 (corresponding to Docket 111892); co-pending application 10/156,051 (corresponding to Docket 111861); and co-pending application 10/145,963 awaiting issue after payment of the Issue Fee (corresponding to Docket 112275).

This is respectfully traversed, as the grounds for such are not yet established, and thus premature.

**V. Conclusion**

In view of the foregoing amendments and remarks, Applicants respectfully submit that this application is in condition for allowance. Favorable reconsideration and prompt allowance are earnestly solicited.

Should the Examiner believe that anything further is desirable in order to place this application in even better condition for allowance, the Examiner is invited to contact Applicants' undersigned representative at the telephone number listed below.

Respectfully submitted,



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JAO:GWT/gwt

**Attachments:**

Copy of stamped receipt for Claim for Priority  
Cover page of Patent Application JP 2002-380127

Date: February 8, 2005

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